

REMARKS ^{c#}

ON THE

SENTENCE

OF THE

C---T-M-----L,

AND

ADMIRAL L-----K's *Defence.*

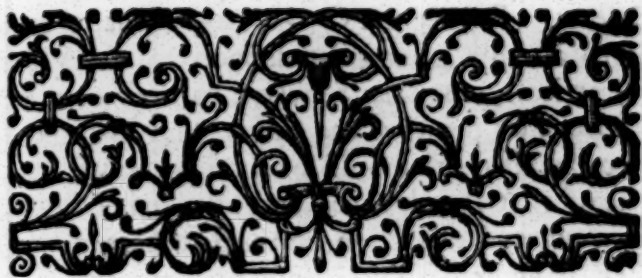


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R E M A R K S

O N T H E

C. M's S E N T E N C E

O N

Mr. *L*———*C K*, &c.



COURT-MARTIALS not having of
 some Time past grown into great Re-
 pute ~~from~~ their Proceedings, the late
 one which sat on V. A. *L*. fired with
 a noble Zeal of restoring the drooping
 Credit of those Courts, and greedy of that Praise
 which is due to just and upright Actions, has pub-
 lish'd the Reasons on which they founded the Sen-
 tence pronounced by them. For my Part, I neither
 know Mr. *L*. nor Mr. *M*. nor any Person who is
 supposed to take under his Protection the first, nor
 those who recommended the second to his Com-
 mand.

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mand.

mand. They are ~~indifferent~~ indifferent to me ; I, from the Bottom of my Heart, wish them ~~both~~ their Deserts. But as the C—t-M—l has thought fit to attempt giving Satisfaction to the World, or, at least, a popular Sanction to their own Proceedings by printing the Case, they will not be surprized if there should be those, who will make Use of that Indulgence, and ask farther Satisfaction, where Satisfaction, in the Justification which they have publish'd, is not to be found. They have acquitted V. A. L. honourably, and no doubt he is an honourable Man ; others too have been acquitted, and they too are honourable Men ; and as the Members, of which the Court consisted, have not departed from their own Honour in order to patch up Mr. L's Honour, they too are honourable Men. I could wish, however, for their greater Honour, that they had not finished that long Argument, *Pag. 7, No 3, to 9,* with this Conclusion, ' that under either ' circumstance, in the Line a-breast before the ' Wind, or with the Wind on the Larboard ' Quarter, the V. A. must have been the Leewardmost ;' since they themselves affirm, *Pag. the 10th,* ' That in Line of Battle a-breast before ' the Wind all Ships are equally to Leeward.' What ? all equally to Leeward in a Line of Battle a-breast before the Wind, and yet some the Leewardmost ? I could wish such a seeming Contradiction had been omitted, because it may give Occasion to People, who do not see Things just in the same Light with the C—t-M—l, to retort upon them the Remark made by them *Pag. 14,* and to say, that the Sentence ' is inconsistent ' with itself, having termed the same Situation, in ' express Terms, a different Situation.'

If the V. A. was nearest the Enemy, or equally

ly near the Enemy, he was most certainly the Leewardmost. But then if the Evidence, upon whose Authority this is taken, depose, That the Fleet was, at the same Time, in a Line a-breast before the Wind. Here is an evident Contradiction; for, from the Arguments given by the C. M. in this Paragraph, it appears, that in the Line a-breast before the Wind, the Centre, or the A. must have been two Miles nearer the Enemy than the right Wing led by Mr. L. either then Mr. L. was not equally near the Enemy, or a great Way out of the Line of Breast before the Wind.

Pag. the 10th, ' If the Fleet had brought to ' upon each other Beam, as the Line of Battle a- ' breast requires, more than one Half his Majes- ' ty's Fleet must have been to Leeward of the E- ' nemy's Fleet; and have cut their Line of Battle ' at right Angles, therefore the Signal for the ' Line a-breast, neither should nor could have ' been regarded.' Very likely. But I am extremely surprized that the C. M. should have been *unanimously* of Opinion, that the Signal ought not to have been regarded on account of the Situation, and ill Consequences attending it, since the greatest part of the Members of which the C. M. consisted, thought fit to cashier C. W—*st* for not punctually obeying Orders as they pretend, though every body allows, even his Enemies and Accusers allowed, that the *English* Fleet was saved from absolute Destruction by his prudent Conduct. As to the remaining Part of this Paragraph, which says, But if the Ships were nearly in Line a-breast with the Wind two Points upon the Larboard-Quarter and there brought to, they would nearly bring to in a Line a-head, and then the Sternmost would be

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Leewardmost;

Leewardmost ; therefore the V. A. must be as far to Leeward, as the A. when brought to. Most certainly, and even farther to Leeward than the A. But what is, at the End, gained by all this Shew, and grand Apparatus of Reasoning ? What produced by this Mountain in Labour ? Doth not the whole amount to this, That if the V. A. was in the Line a-breast, he was not out of the Line a-breast ; if every one was in his proper Station, no one was out of it, and every Thing proceeded according to Rule and Order. If the Charge accuses the V. A. of not being in his Station, or to Windward, it cannot admit that he was in the Line a-breast. If the Charge was disproved by the Evidence, and the C. M. governed itself by Facts properly proved, What Need was there of all these Deductions, but to amuse the Vulgar ? If they themselves had any other Conception of them, they resemble the Squirrel in the rolling Cage :

Mov'd in the Orb, pleas'd with the Chimes,
The f—ish Creature thinks he climbs ;
But here or there turn Wood or Wire,
He never gets two Inches higher.

There is an unlucky Fate attends the C. M. whenever they aspire to Reason, *Pag. 11. N^o 4.*
 ' If the V. A. had been to Windward of the A.
 ' at Night, when he brought to by the Wind's
 ' shifting one whole Quarter of the Compass, *i. e.*
 ' from East South-East to North North-East, he
 ' must have been nearest right a-head of the A. in
 ' the Morning ; whereas it appears he was abaft his
 ' Weather-Beam.' This Argument, absurd in its
 very Principle and Foundation, as will appear in
 the Examination of Mr. L's Defence, is farther
 absurd,

absurd, in as much as it supposes, That the V. A. if he had been to the Windward of his Station, could not have been under different Winds * from the A—l : Whereas they themselves, *Pag.* 14 ; and again, *Pag.* 15, suppose, that in his Station he was under different Winds ; and will they, in their great Wisdom, determine the exact Place where those different Winds began, ' Whence they came, and whither they went ? ' Or is the Reader, at *Pag.* 11 of the Sentence, expected to believe there were no different Winds ; and, at *Pag.* 14 and 15, to believe there were different Winds ? In one Part to give Credit to one Thing, and in another to the direct contrary ? See this more fully explained by the second Plan at the End, where the great Confidence and implicit Faith, which the C. M. had in the Prisoner, that he was not disposed to mislead them, will be evidently proved.

Pag. 12, and 14. ' The Night being fine and clear, and the A. being able to see the V. A. ' as well as the V. A. was to see the A. Both of ' which appears by most of the Witnesses, if the ' A. had thought the V. A. too far to Windward, or out of his Station, he might have sent ' a Boat to him with Orders to join him nearer, ' or else have superseded him, and not trusted his ' Judgment or Integrity the next Day.' Granting there was a Neglect of Duty in Mr. M. if he saw Mr. L. at that Distance, and that his Accusation of Mr. L. affords a just Recrimination on himself, yet Mr. M—'s Neglect doth not prove Mr. L—'s Diligence ; and in Extenuation of his Fault,

* See Mr. L's Plan, where the Winds are supposed to be the same with the A—l and V. A—l, in order to bring himself, in the Morning, right a-head of the A—l.

Fault, Mr. *M.* perhaps would say, that depending on the V. A's Skill and Knowledge, he thought he would have joined him nearer during the Night, for it was impossible for the V. A. to suppose, that he (the A.) intended the Fleet should be so far separated, and his Strength divided; the Enemy so near. That if the V. A. feared the Danger of running foul of, and endamaging Ships six Miles distant from him, (and of which, even if he had come into his Station, there was little Danger of running foul) or feared the Rigour of the A.—l towards him, he might soon have freed himself from that Difficulty: For was it not equally easy for Mr. *L.* having the Service warm at Heart, to have done what the C. M. has pointed out for him (Mr. *M.*) to have sent a Boat to Mr. *M.* to acquaint him, That fearing to disobey the Signal he had brought to immediately on the Signal, but apprehended himself at too great a Distance, and desired Leave to have closed the Line? Or were Orders to be obeyed so punctually that even a Boat was not to pass for Fear of miscarrying in the Night, unless sent by the A. in Chief? Or would such a submissive Application have humbled the Spirit of a V. A. too much? There would, however, been this Compensation to a Heart warm in his Country's Cause, the Good arising to his King and Country. However, had he gone such Lengths, there were no Orders, and an inferior A.—'s Business is to obey, and not promote the Service without being enjoined, and having an absolute Necessity of doing so. This, perhaps, or something of this Sort, Mr. *M.* would say, and that as to superseding, it would have been necessary to form a new Line of Battle, which

which would have required so long Time, as to give the Enemy an Opportunity of escaping, and that afterwards, there was no such pressing Occasion as to make it immediately necessary. What Weight this is of I don't so much care, because, though I think the Miscarriage was entirely owing to the too great Distance of Mr. L's Division on the Morning of the Action, I shall not look on it as owing to Mr. L's bringing to the Night preceding the Action to the Windward, but to what he himself alledges (and the C. M. confirms) the Indraght of the Islands, which carried him away during the Night, and upon that Footing, which he chooses to put it on himself, examine whether he was, or was not, answerable for the Miscarriage. But in the first Place it will be necessary to go through the remarkable Passages of the Sentence, if the infinite Number, and extraordinary Nature of them, leave any Possibility of so doing.

Pag. 13, ' Nor if it was admitted that the V. A. ' brought to Windward, and a-stern of his Station, ' is the Conclusion just, that therefore he must have ' been further to Windward, and at a greater Distance the next Morning ; ' from which the C. M. make the Conclusion, that ' The Charge is inconsistent with itself, having termed the same ' Distance, in express Terms, a greater Distance.'

When a Person accuses another of Inconsistencies in common Life in private Company, if he doth not make good his Charge the Company generally stare ; if evidently mistaken in his Aim, he blunders and discovers Inconsistencies in his own Charge, and there only he becomes the Object, to some, of Pity ; to others, of Laughter. But these Things can never happen to Men, vested with

with Dignity and Authority ; their Situation secures them against these Frailties ; in a Multitude of Councillors there is Safety ; and as in them such an Error would be infinitely more ridiculous, they avoid such a Stumbling-Block with proportionable Caution. However, we will venture to bring this Inconsistency to the Test.

Nor, if it was admitted that the V. A. brought to, to Windward, is the Conclusion just, that therefore he must have been farther to Windward the next Morning. In the Charge there is no such Conclusion : I have read and read it again, and venture to affirm, there is no such Conclusion ; it says only, that Mr. L. not using the Means which were in his Power to have got in his Station, was, at Break of Day, a greater Distance from it. Was not this true in Fact, that at Break of Day he was at a greater Distance : And supposing the Charge true, that he was to Windward at bringing to, six or four Miles, might not that distant Situation have occasioned his being at a greater Distance in the Morning ? Doth not one Evil generally create another ? Suppose, for Instance, his being removed, at bringing to, four Miles from his Station placed him within the Indraught, which carried him away, or placed him within the Reach of different Winds, (as the C. M. affirms he was) would not then his Distance at bringing to, have been the original Cause of a greater Distance in the Morning ? The C. M. say, ' All Things being equal, the Distance must have remained the same ; ' yet the very next Thing they say, is, that all Things were not equal, and that the Distance was greater ; for they admit that the Winds and Currents were different, and Distance increased thereby. Is this the
Extent

Extent of the Capacity of Men advanced to high and important Stations, and set to judge over Affairs of the last Consequence to this Country, arrogating to themselves the sole and exclusive Privilege of being inconsistent, which they uninterruptedly enjoy ; for the Charge leaves it entire to them, and most evidently stands clear of any Inconsistency in the Instance which they mention.

Pag. 14, N^o 3. ' The Signal for the Line of Battle being repeated next Morning, is a Proof that it was haul'd down over-night.' A very notable Discovery ! that it must have been hauled down before it could be set up again : But is this a Proof that it did not continue up one, two, or three Hours after the Signal for bringing to ; that it did not continue such Time, in which it might be reasonably supposed that the whole Fleet was brought to in proper Place ? If it be granted that it continued such a Time, the Rest of the Night is at their (the C. M's) Service to dispose of as they please either with or without Signal.

Pag. 15, and 16. ' The V. A. did not in any Manner, shorten Sail on the 11th of February, till the Signal was made by the A. for leaving off Chace.' I don't doubt, without seeing the Trial, but this was proved to the Satisfaction of the Court. But I will just quote what Mr. L. himself has said on this Occasion in a Book, entitled, *A. M——s his Charge dissected and confuted*, well known to have been wrote by him, and bearing evident Marks of the Author ; if he should think fit to deny it, his Denial will do him very little Service, either with regard to his Veracity, or defeating the Evidence, for I will bring, in Support of the same Fact, his own

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Evidence beyond his Power of Contradiction. It is said, *Pag.* 18, 'The studding Sails of the *Neptune* were kept Abroad as long as they really did any Service; and the Occasion of their being haul'd down, was the *Torbay* being a-stern of her, out of her Station; which Ship, with all the Sail she could croud, could never get into it: And as the *Neptune* was remarkable for pitching excessively in a Swell, which Mr. L. had fatally experienced in the Loss of her Masts in her Passage from *England*, had they been set again, they could have been of no other Service, than to have silenced the Malice and Detraction of this Charge; and by their flapping to and fro, the Mast would have been endangered; and Mr. L. can prove, that upon this Account alone he had several Applications made to him by the Officers before they were hauled down; neither are these troublesome Sails altogether so proper to engage with, the old Practice having been to furl the Main-sail to prevent firing the Ship.' The Danger his Ship was in of being fired excites one's Laughter: And it must be owned, he began to fear in good Time. But, perhaps, Mr. L. is not answerable for every Thing that is publish'd, knew nothing of this Book; never heard of it to this Day. Will he then deny too, that when first called on by the Ad— in chief to give an Account of this Affair, he returned an Answer in these very Words: 'The studding Sails continued Abroad long after you made the Signal for Battle, and were hauled down for the *Torbay* to come up into her Station (according to the Order of Battle you had been pleased to prescribe) who, with every Sail set, could not get into it, though these were not altogether

altogether so proper to engage with ; the old Practice having been to furl the Mainsail to prevent firing the Ship : Which Words help to prove the Author of the Book before quoted. Now observe the Progress of this Affair. In the *Mediterranean*, Mr. L. says, they were hauled down to give Time for the *Torbay* to come into her Station. Sometime after Mr. L. came into *England*, we were grown a little more hardy, and then they were kept Abroad, as long as they really did any Service ; though *Pag.* the 50th of the same Book, they do a little Service. But on our Trial (see what Change Times, with other Helps, will produce) on our Trial, ' the studding Sails were kept Abroad during the whole Time.' *Pag.* 34 of Mr. L's Defence ; that is, from the Time the Signal was made to engage before Eleven in the Morning (near three Hours before the Engagement began) till the Signal was made to leave off Chace. Now the Time when the studding Sails were hauled down, was some Time after the *Torbay* dropt a-stern, which (*Pag.* the 38th of Mr. L's Defence) was before the Action began ; nor did she come into her Station till the Signal was made for leaving off Chace. Whence this Confidence ; whence this Security on his Trial of gaining Credit in this Assertion, flatly contradicted by himself, I will not presume to say. I will presume to say, that if he could prove to the Satisfaction of the — his studding Sails were not hauled down, no Man can wonder at his proving he did not reef the Morning of the Action, or whatever else he pleased. I beg Leave to mention with Regard to the *Neptune*, and Ships a-stern, shortening Sail ; that if, instead of shortening Sail in Order to keep their Station, they had passed the Ships which sailed slower, and let them have taken their Sta-

tion a-sterm, the Line would have been sooner closed ; which is the only End I would propose by it, and not giving Chace to the sternmost Ships of the Enemy. But, says Mr. *L.* Pag. 19, of the Book above-quoted, the V. A. had no Authority to alter Mr. *M*'s Disposition ; and for Proof, refers to the 24th Article of the Fighting-Instructions, making directly against him ; for Proof of which we need only recite the Article : ' No Ship in the Fleet shall leave his Station on any Pretence whatever, till he has acquainted his Flag, or the next Flag-Officer to him, with the Condition of his Ship, and received his Direction therein.' Now if the Article had only said, his Flag ; it must have meant the Flag of his Division ; but the Addition of, the next Flag-Officer, places the Authority in Mr. *L.* beyond the Reach of Cavil.

If Mr. *L.* should deny his Quotation of the 24th Article for this Purpose, we can prove it just as easily as we have done other Things above.

Pag. 17. ' If it had been true that the A. reefed, and there is no other Signal to reef but the Example of the Commander in chief, therefore it would have been no Breach of Duty ; and if any Accident had befallen the *Neptune* from not reefing when the A. had seen the Example, the V. A. must have been responsible for it.' I am astonish'd that the C. M. should be so positive, without having even seen the Fighting-Instructions ; for that they never saw the Fighting-Instructions, is evident from this, that the 12th Article in the Fighting-Instructions runs thus : *When the A. would have him who commands in the second Post and his Squadron make more Sail, tho' himself shorten Sail, he will hoist a white Flag on the Ensign-Staff*

and there is no other Signal whatever for him who commands in the second Post to make more Sail. However absurd, therefore, it may seem to affirm, that a C. M. in which were two Ad-
 ---ls, had never seen the Fighting-Instructions, I dare affirm it: For, if reefing is comprehended in shortening Sail, the V. A. is not only excused from following the A's Example, but is expressly forbid doing it. I am not unaware that the Signal for making more Sail is not usually kept abroad, but hawled down immediately, and that Advantage will be taken from thence to say, that the Admiral reefing is a new Signal superseding the former: But the contrary is evident from common Sense. For that Part of the Instruction forbidding the V. A. to shorten Sail must have Respect to some Time or other, either the Time the Signal is making, or after it is made; it cannot be intended for the Time when the Signal is making, because it would be in Effect saying, When the A. gives the Signal for your making more Sail, be sure to believe he really means it, Don't be persuaded by any other Thing which he is doing himself, that he contradicts himself, has lost his Senses, and being mad, would have you shorten Sail at the very Time he orders you to make more Sail. This would be ridiculous enough: Therefore it must respect some Distance of Time after, *viz.* till the V. A. gets into his Station; And the shortening Sail cannot be justified till then, without some evident Necessity, which Mr. L. allows he had not. And the Addition is natural enough in this Sense; for, if the Admiral doth not find the V. A. make that Advance which he expected from more Sail, it would not be Matter of Wonder, if on some Occasions he should

should shorten Sail, to give the V. A. Time to come up; and then his reefing might be misunderstood at some Distance of Time for a new Signal; especially as there is no other Signal for reefing but the Example of the Ad---l; therefore this was a proper and reasonable Precaution against taking, at some Distance of Time, the A----l's reefing for a Signal for the V. A. to reef.

Pag. 18. N^o 2. The Messages sent to the V---A----l by the A----l's two Lieutenants, were, "to make what Sail he possibly could to close the Line with his Division; no Signal was made for him to chace?" To what Purpose should the A----l make Signal for the V.A----l to chafe, when he could not even come into the Line. If the V---A----l had been in Place, there had been an Opportunity for chacing, and cutting of the sternmost Ships of the Enemy, if chacing had been necessary for that Purpose: But, to make Signal for chacing to a Division of the Fleet, which could not come up into the Line, would have been piping to those who could not dance. And as for making Signal for sending particular Ships to chace, what is the Signal to be made? Is the C. M. ignorant that in the Fighting-Instructions there is no Signal for that Purpose? Doth the C. M. consider that they are speaking of the Time of Engagement? Beside, the Charge says not a Word of chacing, and evidently means that Mr. L. might have come to an Engagement without chacing.

Pag. 19. "It doth not appear that the V---A----l hauled up, or yawed (unless accidentally, when, for want of Wind, the Ship could not answer her Helm) nor steered an improper Course."

“ Course to close the Line, and join the Center-Division.” I will not pretend to set up any other Person’s, or any Number of People’s Judgment, in Opposition to that of the C. M. incomprehensibly wise as it is : But, of this I am sure, that if the Evidence relating as well to reefing, mentioned, pag. 17, as steering, the most proper Course were set one against another, they would make a very extraordinary Contrast. I will only mention what was said in a certain place by C. M-*sb*, C. of the *Win-sea*, with Regard to the last, viz. that of steering the most proper Course, the Minutes of the H. of C. were not allowed to be printed, nor doth any one dare to print any Part of them ; but one may depend on it, as he was examined there, he did not materially differ from what is set down here. if the Question was ask’d there. But in a certain Place being ask’d concerning his Opinion as to the steering a proper Course, he said, he was of Opinion, that he could have bore away, and have join’d the other Ships ; and added this remarkable Circumstance, that his Crew heard him say, *What can be the Reason be doth not bear away?* If the People of his Ship heard this, at that Time it is probable that the Words arose purely from his Observation of the Object before him, whatever Effect the Attachment to this, or that Party, might have after the Action.

Pag. 21. ‘ If the V. A’s whole Division had been absolutely away, and the four sternmost Ships of the Enemy, (who were of no more Service in the Engagement to the Enemy, than the V. A’s Division was to his Majesty’s Fleet) had been also excluded, the rest of his Majesty’s

‘ Majesty’s Fleet, would have still remained superior to the rest of the combined Fleet. What an excellent Method of drawing Mr. L. out of all Embarrassment at once, and placing him beyond the Reach of all Attacks? What a Pity this Argument was not produced at the Beginning? But I suppose it was reserved for a *Coup d’ Eclat*, otherwise what a deal of fruitless Pains it would have saved; for it would have justified Mr. L. whatever his Conduct had been, providing he had not rendered the Enemy superior, by joining them, it would with equal Reason have served for his Justification, if he had sailed directly to *Italy*, or any other Part of the World, as soon as he left *Hieres-Bay*. Mean and trifling Ad —, instead of decisive J---

Some Reflections occur on reading this Paragraph, which I cannot omit mentioning; for, in the first Place, it tends to exculpate Mr. M. (which I believe the C. M. little designed) with Regard to the Order of Battle in which he engaged the Enemy; and which I own I never greatly admired. This Paragraph, however, says a great deal for him. For, if Mr. M. thought himself a Match for the Enemy without Mr. L’s Assistance, and Mr. L. not likely to come to his Assistance, his Order of Battle was not so improper, tho’ it excluded Mr. L. if the rest of the Fleet had done their Duty. How well founded he was in the first of these Suppositions appears by this Paragraph.

How well in the second appears by Page 17, N° 4. Most of the Witnesses in Support of the Charge, and all who appeared in the Prisoner’s Defence, have declared, that it was impossible for the V. A---1 to join the A. and close the

the Line, before the Signal to leave off Chace in the Evening was made ; and even most of the rest have proved the Truth of that Declaration by Circumstances. Add too what Mr. L. says, Pag. 27 of his Defence, of the *Spanish* Admiral going so fast a-head of him, that he should not be able to get up with her.

I beg Leave to make one farther Observation on this very remarkable Paragraph, which is, that this Declaration of the C. M's of the great Superiority of the *English* Fleet over the combined Fleet, is an undeniable Proof of Mr. L's Mistake, when, in Order to load Mr. M. with Blame for his Haste, and too great Eagerness to engage the Enemy ; and at the same Time lessen the ill Consequences of his own Backwardness, he affirms, that it was certainly the Intention of the Enemy to engage. Whence his Certainty arises I don't know ; for, can any one suppose that they would choose to engage at so great Odds ? Unless one supposes too at the same Time, what Mr. L. would not very willingly admit, that the *French* had known Friends in the *English* Fleet.

These Observations I have made to shew with what Address the C. M. has handled this Subject, with what wonderful Success they have attempted to excuse Mr. L. by Force of reasoning ; one would think they had not found sufficient Satisfaction in the Evidence alone, that they have exerted to such a Degree their great Extricating Faculty, (which nothing but the Algebraic Art ever equalled) in Order to draw the Truth out of Obscurity into Light.

I now enter on what I regard as the principal Cause of the Miscarriage of the *British* Fleet in

the Action before *Toulon*, viz. Mr. *L*'s Departure from his Station during the Night, according to his own Account, and the great Distance between Mr. *M*— and Mr. *L*—'s Division on the Morning of the Action; for, tho' it should appear, as the C— M— affirm, that the rest of the Fleet, exclusive of Mr. *L*—'s Division, was superior to the combined Fleet, exclusive of their four sternmost Ships, which the C. M. says were useless to them; yet the Consequence they would draw doth not follow, that it was no Cause of the Miscarriage in the *Mediterranean*: For, the Delay in waiting for so considerable a Part of the Fleet, the Disappointment which it occasioned to the Ad—l, could not fail of disconcerting and embarrassing Measures in general; and its Presence in its proper Place would have made the Blow sure. If it was possible to do even without him, upon so much better Grounds may one assert, that his Absence prevented the certain Ruin of the *French* and *Spanish* Fleets. I know it has been said by some, and will, perhaps, be said by others, that there were Prosecutors appointed on the Part of the Crown, who added to the Articles exhibited by Mr. *M*— against Mr. *L*— (of which Mr. *L*. in his Defence makes a Complaint, tho' perhaps, in no great Danger of being hurt by the Addition) and that if this had been so material, the Cause of Mr. *L*'s being carry'd away during the Night to so great a Distance, would have been with the greatest Strictness enquired into by them, in order, if it should appear that he might have served the Cause of his Country, have prevented the Disgrace of the following Day; and that by such Failure he fell within the Letter of the Law, he might receive the Punish-

Punishment due to such Crimes; or, if there should be convincing Proof that he sought Sanctuary in the Letter of the Law, and under that Protection meditated Mischief to his Country, he might at least have shared the Fate of those who are sometimes disgraced, without any Reason given: In short, that if it had been so material, the Cause of his being carried away would not have been so slightly passed over by the C. M. in the Pamphlet entitled the SENTENCE. These Objections are not of my raising; on the contrary, I am sure they would have never occur'd to me, if I had not receiv'd them from other Hands; nor do I know that this Point has been look'd on as trivial by our M--n---y: On the contrary, I am sure our M--n---y, so judicious, so discerning as it is, did not want Information in a Case so fully laid before the House of Commons, nor so just, so candid as it is, did it want Inclination to prosecute this Affair in the most effectual Manner on the Part of the Crown and the Nation: Therefore, I am confident this whole Transaction has been strictly examined into, tho' I have not seen Mr. L's Trial, which was not allowed to be printed, any more than that of C. T---e W---st, for what Reason I can't tell. But, as his Trial was set on foot in Pursuance of a Resolution of the House of Commons, it is impossible to suppose that the Charge was left defective in this Part, that any Enquiry was spared, that this Point was not sufficiently pursued, for an Attempt to baffle or defeat the Proceedings of the grand Inquest of the Nation, and by such Means stop the Mouth of Clamour and the Course of Justice in this Country, would but ill serve the Purpose, would but inflame the People more, unless one can rest well assured, that in this Country Things of the great-

est Importance will be look'd upon only as a nine Days Wonder ; and that a short Tempest being weather'd, a Calm is certain to succeed in the Understandings of the People. I am ashamed to go about proving so self-evident a Proposition as the present, tho' what I find to weigh with some People, renders it necessary : For, can any one, on second Thoughts, pretend to say, that it was not material whether a Division of the Fleet was in Place, or no, whether 13 Ships out of 36, whether more than a third Part of the Fleet was in such a Situation as to be idle Spectators of the Action, instead of being employed in vigorously annoying the Enemy ? If this is material, the Cause of the Distance is equally material. To what Purpose has so strict an Enquiry been set on foot, whether Mr. L. used his utmost Endeavours to come into Place the next Morning ; if his Removal from his Place was of no Consequence ? Or, what is there of Consequence if this is not ? Are People to be allowed to commit Faults, in order to use their utmost Endeavours to amend them ? That Mr. L. thought it pretty material, is clear, from his sailing before the Signal for sailing, notwithstanding his great Caution at all other Times previous, of never acting without Orders : For, tho' there are some, who will not admit, that his sailing before the Signal was an undeniable Proof of his Zeal for the Service, and say, that even if he had purposely suffer'd his Division to have been carry'd away so far, it was so much the more necessary to save Appearances ; and the Wind not proving very favourable, and the Current which carry'd him away opposing too his Return into his Station, that Distance was not very likely to be recovered, and, in
Fact,

Fact, could not, or was not recovered; yet all must allow it as an undeniable Proof of what Consequence Mr. L. thought the Distance to be to the *British* Fleet; and perhaps to his own Character, as an Officer. It being then established, that the Variation during the Night, and the Distance of Mr. L——'s Division on the Morning of the Action was of the last Importance, the Distance having been such that the C— M—— who sate on Mr. L—— declare, *Pag.* 17, that it was impossible for Mr. L. to join the A. and close the Line, before the Signal to leave off Chace in the Evening was made; I will now proceed to enquire how far Mr. L. was responsible for it. I will not descend so low as to look on this as a private Affair, as a Contest between Mr. M. and Mr. L. but as a Scrutiny between Mr. L. and the Nation, whether that was done by him, which ought to have been done for the Nation; with this View before me I will not be diverted by Recriminations of one Sort, or another, I will not examine whether Mr. M. pointed out the Misconduct of Mr. L. properly or no, at one Time, or another, or at all; for the supposed Incapacity of Mr. M. can never extenuate the personal Failures of Mr. L. should there, in Reality, be any. If Mr. M. could not see, it doth not render one Jot more or less excusable, Mr. L. nor is the rest of the World, of Course, to shut its Eyes. I will not, therefore, enter into those Disputes whether the Distance of Mr. L's Division on the Morning of the Action was occasioned in any Degree by his bringing to, to the Windward of his Station over-night. I will admit what the V. A. asserts, and the C. M. confirms, that the Distance was owing to Mr. L's
 Divi-

Division being carried away by the Indraught of the Islands, and the shifting of Winds during the Night. Upon this foot then, was Mr. L. culpable, or no?

I don't think it fair to throw (as some People have done) suspicious Circumstances together, in order to form a Judgment; as, for Instance, the known Enmity between Mr. M. and Mr. L. the latter having been on Shore, the Shrewdness of his Understanding, and the Opportunity of throwing the Fleet into Disorder, under Cover of the Night, and the Indraught of the Islands. Far be it from me to collect any Man's Guilt from such Circumstances. No; let us examine whether it was Mr. L's Duty, as an Officer, to take necessary Precautions against being carried away by the Indraught of the Islands, and Shiftings of the Winds; and if they were taken. This is the Point; by this Mr. L. ought to stand, or fall. For this Purpose, it will be proper to enquire what is the Duty of an Officer, whether or no to endeavour to keep in his Station, and when carried out of his Station to return into his Station as soon as possible; and farther, what Means may be used for these Ends. That it was not his Duty, Mr. L. contends, because there was no Night-Signal for a Line of Battle kept abroad, nor even appointed, and the Day-Signal for a Line a-breast was not to be regarded, if it could be seen: But, if it is in general the Duty of an Officer to endeavour to keep the Line in which he brings to, this Objection is fairly answered: But, says Mr. L. in his Recapitulation before the House of Commons: 'It is usual for Ships to set the Admiral, 'when there is Probability of losing Company; 'but in all my Practice I never knew it to be
done

' done every Hour ; and for what I assert on
 ' this Subject, I appeal to all the Log-Books and
 ' Journals in the Fleet.' I confess, I am at a
 Loss to know where this tends ; if it is meant to
 insinuate, that it is not usual to set the Ad—l's
 Lights at bringing to, (which however is not as-
 serted) and from thence disprove the supposed
 Duty of preserving Distances, and the Line, let
 the Duty be ever so strong, I should not wonder
 at all at what is insinuated, because, if you know
 by the Tack and Wind, on which you bring to,
 the Bearings of the Head of the Ship, with Re-
 spect to the Compass, you consequently know
 the Bearings, with Respect to the Ad—l, who
 is directly a-head. And while the whole Fleet
 has the same Wind, and the same Drift, (which
 is generally the Case) there can be no Variation
 in the Bearings of the Ad—l (see Mr. L's
 Plan at the End of his Defence) and consequent-
 ly, the no Variation is unnecessary to be mark'd ;
 nay, the Ships a-head in the Line, a-head I ap-
 prehend, cannot see the Lights, and consequent-
 ly, could only set them down not visible. But
 all this supposes the Ships in the Line, nor is
 any Way applicable to Mr. L's Case ; for what
 are the Tokens whence one ought to judge of
 the Probability of losing Company ; it is not
 simply foul Weather ; for Currents, or different
 Winds, will produce that Effect : One infallible
 Token then is the Variation of the Bearings of
 the Ad—l's Lights, which was Mr. L's Case,
 as appears by his own Plan in more than one
 Place. Would he then infer, that, because it is
 usual to set the Ad—l's Lights, when there is
 Probability of losing Company, that it was not
 the Duty of those who had the Care of his Ship
 to

to set the Lights at all, when there was a Probability of her losing Company, since there were many Alterations in her Bearings. If an Alteration is occasioned by the same Winds, it must be owing to one Ship driving faster than another, which it will do, Mr. L. says, for the same Reason it will sail faster than another. This, I apprehend, an Officer may remedy, in strict Conformity to the Letter of the Instructions, which don't direct under what Sail a Ship ought to lie to, nor doth it forbid reefing; so that either by filling, or gathering, &c. this Evil may be remedied. But if different Winds arise in the Space which the Fleet spreads, they will drive the respective Ships different Ways, and it will be impossible to come into the proper Station without making Sail. This Mr. L. says, could not have been done without sending Boats out to every particular Ship of his Division, to have ordered them to make Sail, as well as acquainted the Admiral with this Proceeding; I will add, supposing it had been necessary to have acquainted the Admiral, in the first Place, if it was to be done in this Manner; if the Ruin of the Enemy could have probably been procured at so cheap a Rate as sending out a few Boats, what could one desire more easy? I can see no Objection, unless Mr. L. was of a Temper so contrary to that tyrannical one of Mr. M. that he was unwilling to break the Rest of his Sailors, where the Safety and Welfare of his Country depended on it. Mr. L. says, Mr. M. — ought to have sent a Boat to him, (Mr. L.) if he had brought to over-night out of Place, why was it not equally incumbent on Mr. L. to have sent a Boat when he was driven out of his Station to inform the

A.

That

That it is the Duty of an Officer, by such of the Means above-mentioned, as Occasion shall require, to endeavour to keep the Line, and proper Distances, I am persuaded ; for, if no Attention was to be had to the Distance, or the Line, and when a Ship is once brought to, she must be left exactly in the same State, be left to Winds and Currents to drive at Random ; let what will be the Consequence, not a Sail, nor the Helm to be touch'd; Ships may be carried a great Way asunder, and occasion great Hindrance to the Service, or, what is of more Consequence, they may run foul of one another, and occasion great Damage, or fall in with the Enemy's Fleet when near : And I appeal to Mr. L. himself, whether or no, as he was carried away by different Winds, if he had been in Danger of driving on a Lee-Shore, or amidst, or to Leeward of the Enemy, he would not have thought proper, thought it high Time, tho' the Morning was not come, to have trimm'd his Sails, in Order to save himself, and his Majesty's Ship. It is probable he would not have been so strict a Disciplinarian, as to have staid for procuring the A's Leave. If then any Occasion would have justified altering the Sails or Helm during the Night, the Question will be, Whether the Occasion, which presented itself the Night before the Action, was important enough, ' where (to use ' Mr. L's own Words) the Fate and Liberty of his ' Country depended on the Well-being and conducting of her Fleet.' But whether any extraordinary Occasion was necessary, the World will judge, since it is the constant known Practice of the Navy, for the Captains of each Ship to give it in Charge to their Officers, every Night, to preserve their Station : For whence proceeds the Practice, if it is not, in general, their Duty to

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preserve

preserve their Station ? See farther in the Articles of War at the End.

But, says Mr. L. in his Defence, *Pag. 20.*
 ‘ If the Ships stationed between me and the A.
 ‘ had observed the Difference of Distance in a
 ‘ gradual Drift of ten or eleven Hours between
 ‘ them and the Ad —l, in Proportion as they
 ‘ were more or less in Shore ; I submit it to the
 ‘ Court, if it was not their Duty to use the
 ‘ Means in their Power, each Ship taking it from
 ‘ their Leader, to remedy this Increase, by short-
 ‘ ening the Distance, and keeping in the Line of
 ‘ Battle ; which infallible and only Method would
 ‘ have in Course been brought a-stern from the
 ‘ A —l’s Ship, to the Sternmost in my Di-
 ‘ vision ; and whether an inferior Ad —l is an-
 ‘ swerable for not Rectifying what was impossible
 ‘ for him to see, and which, if he had seen, he
 ‘ had neither Signals nor Authority to remedy.’
 What is this but the borrowed Wit of Sir *John Falstaff* : *Banish Peto, banish Bardolph, but valiant Sir John Falstaff, true Sir John Falstaff, and therefore the more valiant and more true, having been as he was out of the Way ; banish not him, banish plump Jack, and banish all the World.*
 This resolves the Whole into this Question, Doth the Superintendency of a V. A —l over his Division, cease upon bringing to ? Or, in other Words, whether he is V. A —l by Day only and not by Night. The Reason alledged for these strange Intervals of Superiority and common Rank, of Power and Insignificancy, is, that every Officer throughout the Fleet, who has the Care of a Ship during the Night, is to regulate himself by the Ship a-head of him, and not by the Flag-Ship of his Division ; and, of Course the V. A —l himself ought to govern himself

by the Ship a-head of him. But where is the Force of this Argument? For allowing the Fact, it only shews what is the Duty of each particular Officer; it doth not shew that the V. A's Superintendency ceases; that he is not to take Care that the Duty just now mentioned be performed. Just so in an Engagement by the first Article of the Fighting-Instructions; every Ship is to observe and keep the same Distance those Ships do which are next the A---l, always taking it from the Centre. But if the V. A. perceives that any one of his Ships doth not conform herself to this Instruction, is it not his Duty to put Order in his Division? And, in Case of lying to, it may be every proper, for aught I know, for the Ship a-stern to govern herself by the Ship a-head throughout the Fleet; and, consequently, the V. A---l himself by the Ship a-head of him; but if he finds, by such Regulation, he is removed out of the Line with the A-----l, though he be directly in a Line with the Ship a-head, without any extraordinary Share of Sagacity, he may conclude, that not only himself, but the Ship a-head of him, as well as others, are all out of the Line with the Ad---l. Consequently the Fault is not less obvious to the V. A-----l, because every Ship is to take from the Ship a-head; and, therefore, why this Method should be supposed to place the Duty of the Night beyond his Care, since it doth by no Means put it beyond his Observation or Knowledge, I can't understand. I know no other Reason of committing the Care of particular Divisions to V. As. and R. As. but that the Command of a large Fleet is too extensive to be executed by a single Person; the Variety of Incidents to be watch'd over, and guarded against, too great to be observed by one Man. If this is the

sole Reason, it is plain there is something more required of a V. A.—I than a mere Obedience to Signals ; and if he exerts himself no farther, he must remain a dead Weight upon Business, like a Limb where vital Motion is lost, which but incumbers the Body ; and the Confidence which the A. has in him, serves only to deceive him, and ruin his Affairs. That a V. A.—I is subordinate to the Commander in Chief, and subject to conform himself to his Orders, is generally true : But if any Thing arises in his Division, which is apparently wrong, and not the natural and common Effect of the A's Orders ; not the Consequence which is generally to be expected from such Orders, can any one doubt but one of these two Things exist, either that it lies within the Province of the V. A. to correct it of his own Authority, or that it is his Duty to represent it to the A. and if it requires immediate Redress, to make an immediate Representation. But how much stronger doth this Duty bind, if the Disorder absolutely disappoints, fundamentally defeats the principal and evident Intention of the Signal given. For Instance, it was manifest that the Signal to bring to was made with a Design, That the Fleet should be ready there the next Morning to engage the Enemy. If the Rule above-mentioned is general. how much more necessary was it to be observed at such a Time, on the Approach of the most important Action that perhaps ever was ; at a Time big with the Fate not only of *Great-Britain*, but all *Europe*. If Mr. L's Division was carried away, as he himself says, by the Indraght of the Islands ; well known to him who had been so long in those Seas, how much more necessary still was it to be observed in such a Situation near the Indraght of
the

the Islands. If it shall appear, in the Course of this Inquiry, that Mr. *L.* with his Division, brought to within the Indraught of the Islands, which could not fail (if not opposed) of carrying him away, how much more necessary was it still? For where is the Difference, in effect, of the following Cases: Whether Mr. *L.* brought to at an improper Station, or at such a Station where the Indraught, joined to his own Neglect, would be sure to carry him to an improper Station? At such Time, in such a Situation, can one suppose that Mr. *L.* so experienced, so able, so warm in his Country's Cause, that his Experience, that his Ability, that his Warmth should be wanting in his Country's Cause? But, perhaps, the Disorder was not perceivable during the Night. That it was perceivable, according to Mr. *L.*'s own Account, Mr. *L.*'s own Plan at the End of his Defence, demonstrates, by the Variation of the Bearings with Respect to the Ad—I. But to leave the Alteration of Bearings out of the Case, the V. A. doth not scruple to affirm, that he was two Miles, or but little more, distant from Mr. *M.* at bringing to, and three Miles from the Enemy. Here then he can distinguish Distances in the Night; can fix the Difference between a little more than two Miles which he was distant from the A. and three Miles from the Enemy. What should hinder him then (the Night being clear) from determining, when his Distance was changed from a little more than two Miles, to three Miles from the Ad—I? Nay, if Mr. *L.* was really driven S. S W. as in his Plan, he might have perceived he was under different Winds from the A. not from the Frequency of different Winds near Land, but from this infallible Token, that the *Neptune*, the V. A's Ship, sail'd much worse than

than the *Namur*, and, consequently, could not drive faster to Leeward with the same Winds; for that Mr. *M.* brought to, to the Southward of the Indraght in the Offing (notwithstanding Mr. *L.*'s Plan places him North of it) and Mr. *L.* himself nearer the Indraght, appears from his own Account, *Pag.* the 23d of his Defence; and is positively affirmed, as will be seen a little lower, by an Officer of his own Ship, from which it follows, that it was impossible to suppose the Ad——I was more subject to the Indraght, and thereby kept to Windward: No, the Supposition could have only been that he might be in the Western Current, which would have carried him still faster to Leeward. And that the Disorder was not only perceivable during the Night, but to have been easily devined, or, at least, apprehended over Night, appears from Mr. *L.*'s own Confession, *Pag.* 23, of his Defence, where he says, 'If the Difference of the Distance between the Ad——I's Ship and mine had been much greater than it was, it would have been no more to be wondered at in the Morning, than it could have been perceived in the Night.' Tho' Mr. *L.*'s own Declaration is the strongest Proof that can, or could be given of this Circumstance of the Currents falling within his Knowledge; yet, to shew that it might be reasonably expected to be known by every Commander of a Vessel in those Seas, I will recite what *Michelot* says in his Chapter of the Coast of *Provence*.

Michelot was Pilot-Astro. of the French King's Gallies above thirty Years; his *Portulan* was translated into *English*, by Order of Lord *Torrington*, as it was before into most other Languages; the Observations being so exact and judicious.

dicious, that the Book is in the Hands of all Ma-
 riners who use the *Mediterranean* Navigation.
 Pag. 15, ' It is to be observed, when you sail a-
 ' long the Coasts of the Gulph of *Lyons*, you must
 ' have as much Regard as possible to the Diffe-
 ' rence of the Currents, which are here very ir-
 ' regular; for it is observed, that after great Rains,
 ' when the Lakes and Rivers disgorge themselves
 ' more violently than usual, the Currents set more
 ' briskly out into the Offing; and, on the con-
 ' trary, in the Time of great Droughts, when the
 ' Lakes fill themselves, the Currents set to the
 ' Shore: *Besides I have found by a long Experience,*
 ' *that Gulphs and Bays do ALWAYS draw to-*
 ' *wards them the Sea and Waters, which Pilots*
 ' *must have Regard to.* It will be, perhaps, ob-
 ' jected, that when you come from distant Places
 ' in a Ship, you cannot know what Weather it
 ' has been in the Gulph, since the Weather is not
 ' every where alike, but, at least, you will use
 ' Precaution against any Accident, by keeping a
 ' little more out, unless you have a Land-Wind.'

I thought it proper to be a little more particular
 in the Description of these Coasts, since they are so
 very dangerous, &c. Allowing that the Gulph of
Lyons doth not extend farther Eastward than Cape
Toulon (though the Maps and Charts which I could
 have Access to, are entirely silent on this Head) the
 Caution which *Michelot* gives is general for the *Me-*
diterranean Coast; for after having said, that the
 Currents set to Shore in the Gulph of *Lyons*; he adds,
 that Gulphs and Bays (that is, as far as his Obser-
 vation reached, which he only professeth making on
 the *Mediterranean* Coast) always draw towards them
 the Sea; which is, in part, confirmed by Mr. *L's*
 own Observation.

But,

But, perhaps, proper Care was taken, and the utmost Efforts used, tho' in vain. To set this Question in the clearest Light, we will take the Testimony of a Person who had the best Opportunity of knowing, and who Mr. L. was so well assured was so little inclined to say any Thing to his Disadvantage, that he entertain'd him constantly in his own House, ever since he came from the *Meriterranean* to *England*, and has taken him, as his own Captain, with him in the secret Expedition which he now commands. This Person submitted himself to be examined, as I have been informed, before a certain Company, to the following Questions: How far the Account I am going to give, agrees or disagrees, with what was deposed on Oath before the H. of C. the Members of that H. upon Comparison will find, and if it materially differs, I don't doubt but I shall meet with Contradiction. I am not a Member of that H. and therefore will avoid saying any Thing of their Proceedings. But the Questions I was speaking of, were these: Q. Were there any Means taken by Mr. L. by backing or filling, or gathering in, to keep to the Leeward in his Station? *An.* I conceive the Order to bring to ought to be obey'd. No Signal for the Line a-breast over Night; if there had, it had been incumbent on him no doubt. Q. Were any Means taken to keep their Ships in their Station? *An.* I conceive we were over Night. Q. Did you set the Lights? *An.* The Lights were set, but not mark'd in the Log-Book. Q. Could you discern by those Lights whether you altered your Station? *An.* Certainly. Q. Did you take any Means ———? *An.* We were always in our Station. Q. While the Distance was increasing, did you perceive it? *An.* I will not undertake to say; I doubt whether it can be perceiv'd. Q. Is it not customary to make Observations on the Light ever

every Hour ? *An.* I conceive, it is very often. *Q.* Did you mark the A—'s Lights ? *An.* No other Officers had it in Charge. *Q.* Did not A. L. give Orders to his Officers to preserve the Station they were in, when they brought to ? *An.* When we brought to, we were not more than three Miles distant from the Enemy in Line of Battle a-breast, and I said before, that our Station was a proper one. *Q.* Were any Orders given by him to keep in the Line of Battle a-breast as he was ? *An.* I receiv'd no Orders, who watch'd till Eight at Night. *Q.* Was any Care taken by him to preserve the same Situation ? *An.* There were no Directions given to me, nor any one else that I know of. *Q.* Had not Mr. L. Reason to think in the Place that he brought to when the Signal was given, he was more liable to be carried away by the Indraught of the Islands, than the other Ships in the Ad—l's Division ? *An.* It is certain he was more in the Power of the Eddy, and Mr. M. of the Current ; but I cannot say whether that was considered, or no.

He affirmed too, that it was the Duty of an Officer to keep his Eye on the Commander.

Q. As well as you can remember when you was Lieutenant, can you recollect ever marking the A's Lights, or are they not set down in the Log-Book ? *An.* Without doubt it is usual to set, but not every Hour. *Q.* How did the A. bear off you upon bringing to ? *An.* I don't know ; this is the Log-Book. *Q.* Is it not the Practice, upon bringing to, to put down how the A. bears off you ? *An.* I think it should have been mark'd in the original Log-Book, but it is not.

There is a Method taken in all Causes, and is, and ought to be a principal Consideration in all Causes, viz. The Consistency of a Case. For Falshood seldom wears the Mask of Truth with so much Success, that the

Cheat cannot be discerned upon a strict Examination and close Inspection ; and if Inconsistencies appear, with Reason they are look'd on as Signs of a very bad Cause. What then should hinder us from putting Mr. L's Cause to this Criterion ? It is, indeed, to be presumed that Mr. L. who has so great Credit as a Man of Parts and great Acuteness, has, at least, framed his Account in such a Manner, as not to be liable to any Exceptions of this Kind ; if he has not given the very Account of the Fact, that he has given, at least, a consistent one with itself ; but if, in the Account given by a Man of such Capacity, any Inconsistencies should appear, the Marks of the Badness of the Cause will be proportionably stronger ; if they should appear, his Friends will be at Liberty to derogate from his Abilities the better to support his Cause, or give up his Cause to support the Credit of his Abilities ; for my Part, I shall not look on them as very favourable Circumstances to either one or the other. I shall leave to others (if any one thinks it worth his while) the Examination of other Parts of his Defence, and will confine myself entirely to that of increasing the Distance during the Night ; scarce having Leisure to go thro' this Part, much less so ample Matter as the Whole affords ; and I the more willingly quit any farther Examination, because my End will be sufficiently answered by this alone, whether I have in view the Conduct of Mr. L. or the great and necessary Qualifications of the C. M. who could penetrate into Truth, and the Justness of Mr. L's Cause, notwithstanding the Obscurities and Contradictions in his Defence. The first Thing that occurs, I can't say fell within the Province of the C. M. to take Notice of ; but it can't nevertheless, escape the Observation of the World : For, in his *Recapitulation*, Pag. 11, he says, in Defence of his Inattention to the Increase of Distance :
 ' A Ship may increase her Distance from another,

‘yet not alter her Bearings.’ This, certainly, was meant to be understood as his own Case : But how doth it agree with his Plan printed at the End of his Defence, where his Ship at *b*, has altered her Bearings considerably with Respect to the Ad—l at *a* ? In his Defence, *Pag.* 17, he says, ‘ The Drift of the Ship being small and gradual, the same was not perceivable by the several Officers of the Watch :’ Yet, as we have just shewn, there was a considerable Alteration in the Bearings ; an evident and certain Token by which the Officers might have perceived a Drift: But if he means it was not perceiv’d, why were not those Officers, who did not take Notice of it, called to an Account ; instead of which, they have, as has been mentioned, entertained at Mr. *L*’s House, and caressed by all possible Means. *Pag.* 18, he says, ‘ That the Increase of Distance between him and the *A.* during the Night, was near three Miles, that the same was gradual, and not perceivable in the Night.’ That the Increase of Distance was not gradual ; but, on the contrary, that near one half of it was incurred in the three first Hours, appears by his own Plan, which is easily proved, by measuring the Difference of Distance between *B A*, and *b a*. Nay, he drives from *E* to *I*, he doth not himself know when, swift beyond all Thought and Conception ; for at $5 \frac{1}{2}$ he is at *E*, and at $5 \frac{1}{2}$ at *I*. But if the Increase of Distances had been gradual in ten Hours, which, according to his Plan, it was not, yet I cannot conceive in what Manner he would endeavour to avail himself of the Gradation, and the great Nicety required to observe it. No Man, I believe, ever required that nice Observation on the Gradation which he expresses. Mr. *L.* knew, that at bringing to, he was two Miles from the *A.* Suppose the *A.* at *a*, and Mr. *L.* at *b*, his Business was not to compare the Difference of

Distance between $a b$,
and $a c$; and then again
between $a c$, and
 $a d$, and so on; for,
according to his own Rule, if he could not
fix the first Difference between $a c$ and $a b$, how
could he make a Comparison from thence to the second? And at that Rate the farther he had gone,
the less perceivable the Increase of Distance would
have been if he had been driven twenty Miles distant,
the last Difference would have been the least
perceivable, because the last Distance, which (to avoid multiplying Lines) we will suppose $q r$ bears a
less Proportion to the Distance $a q$, than the Distance $b c$,
to the Distance $a b$; which shews the Absurdity of Regarding the Gradation. No, his Business was to compare the Difference of Distance
between $a b$, suppose, and $a b$ passing over the intermediate imperceptible Distances; to compare the
Difference between 2 Miles and 4, or 2 Miles and 6. If you set a Man to observe a Clock, when it is at 7, with Orders to let you know when it is $\frac{1}{2}$ an Hour after 7; if that Man (endeavouring to observe only the Motion of the present Moment, and gradual Advance of the Index, without regarding the Space past over in the whole $\frac{1}{2}$ Hour taken together) should report, he could not perceive the Index move at all, would not you look on that Man as an Ideot? I apprehend the progressive Motion of a Ship is only perceivable either from the Cause, for Instance, the Degree of Wind on her, or the Effect, viz. the Variation with regard to some Object. Now, the Effect when once produced, is equally perceivable, whether produced in one Hour, or three; so that if the Motion had been swift, Mr. L. might have perceived it at 8, suppose, because

cause then a sufficient Effect would have been produced ; but suppose the same Effect produced at 10, it would be equally perceivable at 10, after a slow Motion, as at 8 after a swift one.

Pag. 22. ' And surely it must be allowed, that as ' the Wind shifted so gradually, there was no Way ' so sure to keep in a Line, as by continuing to lie ' still.' If, by lying still, he means lying to (which, for what I know, who am no Mariner, may be a proper Term) if he means lying to, and it must be allowed, it must be allowed by Force of arbitrary Command, and happy those who have that Power ; for Reason will not allow it, Mr. L's own Plan will not allow it ; according to which, a Deviation from the Line, during lying to, was very perceivable by Variations of the Bearings. But if he means by lying still, preserving the same Place, the same Plan shews, that was not his Case. It immediately follows : ' And as our Fleet was so near the Enemy's, ' no Motion could properly, or with Safety, have ' been made in our Fleet in the Dark.' If he means no Motion towards the Enemy, doth not this evince the Truth of what has been asserted before, that the V. A. when he was carried out of the Line W. S W. ought to have rectified that Fault, for his Division, upon the other Principle, might have been carried amidst the Enemy's Fleet. And if he means from the Enemy, it holds with respect to him while he was carried from E to I, according to his own Plan.

Pag. 23, ' My Division being nearer the great In- ' let into the Harbour of *Toulon*, and the Inlet be- ' tween *Porquerole* and the Main ; where, whoever ' has used that Navigation must, or might have ob- ' served very strong Indraughts, and loud Riplings ' of Currents.' This has been taken Notice of before, and shews the pressing Necessity there was for taking Precautions against this Indraught so strong,

as

as to occasion loud Riplings. I, who never used that, or any other Navigation, could not have painted the Necessity in so strong a Manner, and am, in that Respect, obliged to Mr. L. for his Description. Mr. L. not, perhaps, greatly satisfied with this Account himself, or, transported with a Passion of making that clearer, which was clear enough before, resumes this Affair, *Pag.* 61, where he says, ‘ That as Ships ‘ of similar Bodies in lying by under the same Sail, ‘ with the same Position of the Helm, and where ‘ there is no Current, &c.’ I suppose, ‘ nor different Winds,’ is omitted by Negligence of the Printer, or Copyist. *Pag.* 64. ‘ The *Neptune*, and ‘ the rest of my Division, being in the Power of the ‘ Confluence of these Streams, and driven thereby ‘ at the Rate of but one third of a Mile in an Hour; ‘ or, allowing such a Current to have that Effect ‘ upon the *Neptune*, more than it had upon the *Namur*, as it cannot be doubted but that a Ship will ‘ drive faster in lying by, for the same Reason that ‘ she will sail faster than another that is much fouler; ‘ the *Namur* being cleaned near two Years and a ‘ Half after the *Neptune*.’ I, at first Sight, took this too for a Mistake of the Printer, or Copyist; because, if the *Namur* was cleaned near two Years and a half after the *Neptune*, it is certain, as Mr. L. says, that a clean Ship will drive faster than a foul one, and consequently, that the Drift of the Current would have more Effect on the *Namur*, than the *Neptune*; just the contrary of what is asserted. This made me imagine Mr. L. had wrote, that the *Neptune* having been cleaned near two Years and a half after the *Namur*. But having Recourse to *Pag.* 25, I found, to my great Astonishment, that the *Namur* was the cleaner Ship, for it is there said, ‘ The Difference in Sailing between the A’s Ship ‘ and mine was very perceivable, his Ship being a ‘ very

‘ very good Sailor, mine a heavy and foul Ship, and
 ‘ had not been cleaned for three Years and a half ;’
 so difficult an Enemy is Truth to combat with, to
 such Distress doth the contrary Cause often reduce
 its Adherents. Besides, the *Neptune* was not alone,
 Mr. *L.*’s whole Division went together ; by what
 Management I cannot say ; it was unlucky (as their
 Business was to regulate themselves by the Ship a-
 head, and not by the V. A.) but the whole Divi-
 sion, to a Ship, went together ; and it’s great Odds
 but there were, in Mr. *L.*’s Division, clean Ships and
 good Sailers. Nay, the *Ruffel*, which was the ve-
 ry next Ship to the V. A. as Mr. *L.* says, *Pag.* 8,
 ‘ was always esteemed a good sailing Ship, and not
 ‘ above 8 Months from being cleaned,’ as he says
Pag. 47.

‘ This small and reasonable Allowance,’ (*Pag.*
 64) ‘ would have driven the *Neptune* to I, and have
 ‘ increas’d the Distance betwixt me at I, and the A.
 ‘ at F, to somewhat more than 5 Miles.’ Why he
 supposes the A. could be at F, I cannot conceive,
 since by the Winds mark’d in the Log-Book, and
 the Drift allowed him by Mr. *L.* he must have been
 at C without any Current.

But the greatest Difficulty still remains how the A.
 could be at C, for Mr. *L.* steers him, as appears by
 his Plan, directly a-cross the Current running from
 E to I : Whether any miraculous Gust of Wind car-
 ried him safe a-cross, I don’t know ; or whether any
 Deity, presiding over those Floods, with great Civi-
 lity, suffered Mr. *M.* to pass, or conducted him over ;
 and at the same Time being in a Plot, and a little in-
 clined to the *French* and *Spanish* Interests, was resolv-
 ed to detach Mr. *L.*’s Division to a Ship, and rudely
 and maliciously forced him away, I can’t determine.
 When I view Mr. *L.*’s Plan, I vow I cannot help
 thinking, that Mr. *M.* is very fortunate to have had
 the

the Act against Witchcraft lately repealed ; for I seriously think from some late Incidents (which perhaps I shall take Notice before I conclude) he would have run a great Risque of being condemned, if Mr. L. should have taken it into his Head to accuse him of having preserved his Station by such illegal Means. See C. W's Case.

This Defence being so far from satisfactory, no Wonder if Mr. L. has recourse to other Shifts: What then is, at last, the Solution of this intricate Affair, which he has labour'd so much in vain to justify ? Why ! he has pick'd up some Hearsay (the Lord knows where) that Mr. M. was not us'd to lie with his Helm hard a-lee, and concludes the Truth of it upon asking a Witness (who had, most probably, never thought of it from that Night to the Time the Question was asked) Can you swear, that *Friday* the 10th of *February*, three Years ago, your Helm was put as far to Lee as possible, because the Witness did not recollect such a Circumstance at such a Distance of Time, and only affirms, that the Helm was a-lee. The Presumption surely is according to what (as Mr. L. says) has been the general Custom Time immemorial, unless the contrary can be proved. But supposing the Helm not to have been hard a-lee, I should be glad he would shew how the Effects of it would answer to the Effects of that Night. And I promise him, if such new Plan shall not carry the Face of Truth in a greater Degree than his last, it shall pass unscour'd by me. Tho' I am in some Hurry to conclude, I must take some Notice of Mr. L's Observations on the third Article of the Charge against him, as it relates to what I have been treating of *Pag.* 16. ' The Court (says he) will be pleas'd to observe a great Absurdity and Contradiction in this Article, which in effect destroys it ; for if I

' increased

' increased my Distance from my Station in the
 ' Night, and did not endeavour to get into my Sta-
 ' tion, after the A. made Sail in the Morning, the
 ' Increase of Distance between our Divisions made
 ' during the Night, added to the further Increase
 ' by my not using my Endeavours after the A. made
 ' Sail in the Morning, must make the Distance six,
 ' five, or at least four Miles, with which I am
 ' charged in bringing to from my Station at Night,
 ' to be much greater; and yet, after the supposed
 ' Neglect of not using the Means in my Power in
 ' the Night, and not endeavouring to get in my
 ' Station after the A. made Sail in the Morning, I
 ' am not charged with being at a greater Distance,
 ' or being separated from the A's Division, farther
 ' than six, five, or at least four Miles, which is a
 ' Contradiction * in itself.' Here Mr. L. raises a
 Phantom in order to fight: For as he has recited the
 Charge immediately before, It is not laid in the
 Charge that the Distance was increased by his not
 using his Endeavours after the A—I made Sail in
 the Morning; on the contrary, it plainly intimates
 that the Distance was not increased, for it says kept
 and continued separate and apart; and tho' the
 Distance was increased during the Night, yet Mr.
 L. must have recovered Part of it, by sailing be-
 fore the Ad—I in the Morning; so that there is
 nothing strange, or improbable in this State of the
 Case, as one may easily suppose the V. Ad—I,
 by sailing earlier in the Morning, exactly, or near-
 ly recovered what he had lost during the Night,
 by which Means he would have been, at the Time

G

when

* Since these Remarks went to the Press, I have had a Sight
 of Mr. L's Observations on the Evidence for the Crown on his
 own Trial, where he deals his Compliments of Absurdity and
 Contradiction with as much Ease and Freedom as here, and of-
 ten (taking the State of the Case on his own shewing) with no
 better Success; tho' I am informed, that in many Places he has
 grossly mis-quoted the Evidence.

when the Ad---l made Sail, (*viz.* about Break of Day, perhaps $\frac{1}{2}$, or $\frac{3}{4}$ of an Hour after Break of Day, the Word about allowing a Latitude) exactly, or nearly at the same Distance as over-night. There is yet another Way of explaining this grand Absurdity and Contradiction; for, tho' Mr. L. had gained somewhat (suppose a Mile on Mr. M. after Mr. M. made Sail in the Morning, it doth not follow thence that it was not in his Power to have gained still more; nay, the Ad---l says, it was in his Power to have gained the Whole. Consequently, the Charge is not contradictory, and and will stand the Test, tho' never was any Thing more violently attacked on all Sides, Mr. L. placing the Inconsistency of the Charge in not making the Distance greater, the C. M. in making it * greater. How extremely unlucky is it, that Mr. L. and the C. M. should in one and the other Case be both equally mistaken? In the next Paragraph it is said, 'Further, it is mentioned ' in this Article, that the Ad---l had caused the ' Signal for the Line a-breast to be repeated at ' Break of Day, which is an Acknowledgment ' that the same had been hawled down, consequently, it may be very justly inferred, that if ' this Day-Signal had been binding in the Night, ' and the Ad-----l had seen, or been able to observe the Difference in the Distance made by a ' gradual Drift between him and me; that he ' would not have been so long before he repeated ' the Signal, or otherwise given Orders to remedy ' effectually the casual Distance made between him ' and me.' I will say nothing more to this, having, I hope, before shewn, that there is some Duty incumbent on a V. Ad---l. One more Article, and I have done with Quotations, Pag. 22.

In

* It is apprehended, that this little Deviation of the C. M. from Mr. L's Position, is owing to their having mistaken Mr. L.

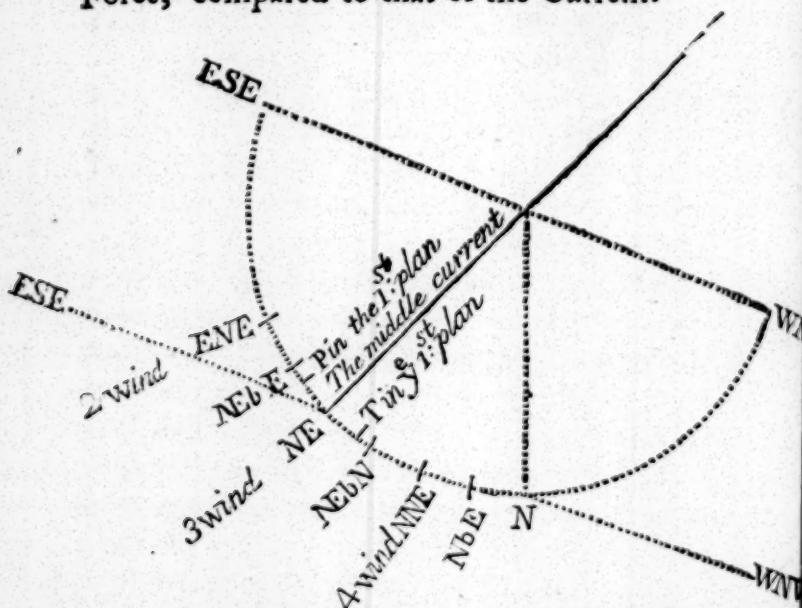
' In this Article (the 3d) of the Charge, being to
 ' Windward, or in the Wind's Eye of the Ad-
 ' ----l at Break of Day, is placed to the Account
 ' of my bringing to so much a-stern, and to Wind-
 ' ward of the Ad----l the Night before the Ac-
 ' tion : Whereas, it is the strongest self-evident
 ' Proof (especially as there were Inlets in the Wind's
 ' Eye) that I was right a-stern of the Ad----l at
 ' the Time of bringing to ; that I could not then
 ' have been in any other Situation ; and that, if
 ' I had brought to with my Division six, five, or
 ' four Miles to Windward, and a-stern of the Ad-
 ' ----l, when he brought to at Night (according
 ' to this Part of the Charge) I must have been,
 ' for the same Reasons, right a-head at Break of
 ' Day, instead of being in the Wind's Eye.' A
 great deal is said to the same Purpose, with equal
 Positiveness, Pag. 65. So much Positiveness sup-
 ported by a Number of Ad----ls (for the C. M.
 confirms it) surely carries no less than Infallibility
 with it, or the Upshot will be immoderately ridi-
 culous. In the first Place, the Charge says only
 to Windward of his Station, as appears in the
 Paragraph immediately preceding what I last quo-
 ted ; yet Mr. L. has the modest Assurance to
 change it to the Windward, and a-stern of the
 Ad----l, in order to place himself at G, in the
 first Plan, right a-stern of the Ad----l ; whereas
 placed at G, in the second Plan, he had been a-
 stern, and to Windward both of the A. and his
 Station, and right a-stern of his Station, in which
 Case it is evident he would not have been accord-
 ing to the Courses described by Mr. L. right a-head
 of the A. in the Morning, as the C. M. affirms in
 Consequence of Mr. L's Description ; but at N,
 as described in the second Plan, and the A. at C
 in the second Plan, without any Current : But, if
 he had brought to at Y in the second Plan, he

would have been four Miles distant from his Station, and to the Windward, and a-stern of it, and much farther distant from the A. and to the Windward, and a-stern of him. And I choose to place him there, because I would pursue Mr. L's own Plan as near as I can. Why then, I will only suppose, as he was under different Winds from the A. that the Drift was so much more swift during the three first Hours than what Mr. L. supposes that it would have carried him the whole Course Y B in the second Plan, in the Time that Mr. L. supposes he was carried to B b in the first Plan; and I am at Liberty, I apprehend, to make my Supposition, because there was no Account of the Drift of his Ship taken in any other Manner than by mere Guess. After this I will co-incide with Mr. L's Suppositions and Plan in every Respect, except that the Line *d E* in the second Plan cuts the Line of the Indraught at *u*, by which Means there will be some Time allowed in the second Plan, while Mr. L's Ship or Division passes to I; whereas, in the first Plan he is supposed to pass to I, but by more than magick Power, not a Minute or Instant of Time allowed for it; for at $\frac{1}{2}$ past 5 he is at E, and at $\frac{1}{2}$ past 5 at I; or, if you suppose the Line *d E* intersected by the Current T at *x*, then he will be at $5 \frac{1}{2}$, from which Place Mr. L. recovered some Distance before Mr. M. set Sail. I beg Leave to observe, that I have supposed Mr. L——, while passing from Y to B, out of the Current, though the Direction of the Dart T, if the Current ran in a straight Line, would have intercepted his Course; but I have supposed him out of the Current: because, if he was when at Y, within the Current, at Morning he would have been (following the Course of the Current) infinitely wide of the Station which Mr. L. and the C.M. assign him, *viz.* right a-head
of

of the A. Tho' it is not necessary to suppose Mr. L's Drift was exactly, according to the Rate which he states it: Yet, if any one refuses my *Postulatum* of a greater Drift in the three first Hours, (for which I had no other Inducement than the Pursuance of Mr. L's own Plan as near as possible) he has my Consent, and let him conduct Mr. L. from Y, according to the Winds in the Log-Book, and Mr. L's Rate of Drift, and try if he can bring him near right a-head of the Ad. at C, either with, or without Currents. I have, in Compliance to Mr. L's Plan, supposed, that Mr. L. drove to I or α in the second Plan, by Means of the Current: Tho' I apprehend in Fact, there was at that Time little or no Drift at all, the Current being opposed by the Wind, and that the Drift was while the Wind continued E. S E.

From this it is demonstrably evident, that this self-evident Proof is not so evident as Mr. L. imagines, tho' there is not only the Sanction of Mr. L's Authority, but that too of the C. M. for it. But what shall we say, if what is described in his Plan should appear to be a mere Chimæra, which never had Existence but in the Imagination of Mr. L. that Mr. L. brought to within the Indraught of the Islands, but knowing, but conscious that it would be an Aggravation of his Neglect to give Orders for taking Precautions against being carried away by it, had endeavoured in the most absurd Manner in the World to shew that he did not bring to within the Indraught, but was carried into it by the Shiftings of the Winds. The Reasons inducing me to be of this Opinion, are, first, That Mr. L. when this Affair first began to be enquired into by the H. of C. (for I don't find it amongst Mr. M's Queries sent to Mr. L. in the *Mediterranean*) in the Commencement of the Enquiry, Mr. L. plainly represents his Case,

as if during the Increase of Distance his Bearings were not altered. In the next Place, the Log-Book, the only sure Guide, confirms this Representation of Mr. L's, for there is no Variation of Bearings mark'd in the Log-Book. Now, if Mr. L. had not been at bringing to within the Indraught, which diverted the Course his Ship would have driven, by Means of the Winds, as he was under different Winds from the A. Those different Winds must have altered the Bearings immediately, as appears by his own Plan. Where the V. A. drives from B to *b*. But, supposing the V. A. within the Indraught at bringing to, the Middle of the two Currents, P and T, in the first Plan, running nearly to N E. would (considered by itself) have carried him out of the Line, but the Wind coming a-crofs from E. S E. averted the Direction of the Current, in Proportion to its Force, compared to that of the Current.



So that the Concurrence of these two different Impulses might have increased the Distance without any great Matter of Variation in the Bearings, which can

can be accounted for no other Way ; and therefore proves, that Mr. *L.* brought to within the Indraught. Mr. *L.* seems to have expected, that the Distance would have been greater in the Morning ; for he says, *Pag.* 23, ' It would not have been to ' be wondered at, if it had been greater.' This is to be accounted for from the Indraught falling in with the Points mark'd P and T between N E. b E. and N E. b N. where it was almost directly opposed by the Winds, with the *Neptune* second of which was E. N E. third N E. fourth N. N E. And it is plain Mr. *M.* brought to, South of the Current, though Mr. *L.*'s Plan places him North between the Land and the Current ; because if he had been North, according to his Course taken from the Log-Book, he must have been carried into the Indraught before Mr. *L.* could approach it, which did not happen ; he must therefore have brought to, South of the Indraught. And if Mr. *L.* brought to in the Line immediately a-stern, it is more than probable he brought to within the Indraught ; because, if his Division had likewise brought to South of the Indraught, Mr. *L.*'s own Ship (which had several a stern of her distant one from another, at least, a Quarter of a Mile) must have been removed at a considerable Distance from the Indraught, and her first Course, which was W. S W. could not have carried her into the Indraught ; and the second Course would have removed her still farther and farther from it. If then Part of his Division had brought to within the Indraught, and himself at a Distance, they would have been separated ; but as they were carried away all together, I think I shall not be ill-founded in asserting, That Mr. *L.* with his Division brought to within the Indraught. The *C. M.* affirm, *Pa.* 9, that Mr. *L.* brought to to the Leeward of his Station, reckoning the Wind, as appears, *Pag.* 11, at E. S E. If then he brought to, to the Leeward of his Station, reckoning the Wind

Wind at E. S. E. and thereby approached the opposite Point W. N. W. or the Point W. by N. or W. I am afraid he went nearer the Indraght than he ought to have done, according to his Description of it. I will not pretend to say how far a Man will be justified in his Conjectures, who should suppose there was a Design and Contrivance more than common in the Enemy, with Regard to the Station where they brought to, on the Afternoon before the Action, and that they expected the Fate, which attended Mr. *L.* and his Division, would thereby come to pass.

But, had it not been for this unfortunate Night, had Mr. *L.* been in Place the Morning of the Action, as the *British* Fleet was so superior to the combined Fleet, that, even exclusive of Mr. *L.*'s Division, in the Opinion of the C. M. it was near a Match for the combined Fleet, with Mr. *L.*'s Division, what a Certainty had there been of Victory, how sure the Destruction of the Enemy. In that Case, we had not been now, nor during the late Rebellion, solicitous about the Destination of *French* or *Spanish* Squadrons. The Blow would have humbled enough the ambitious Projects of the House of *Bourbon* by Land as well as Sea, and put an End to a War, whose Continuance, with ill Management, has brought on us Dishonour abroad, and Debts, and Poverty at home. But Mr. *L.* has been acquitted; he has not only been acquitted, but prosecuted as one of the principal Causes of the Miscarriage (they are Mr. *L.*'s own Words) the Man * who (he himself owned) saved the *British* Fleet, by his prudent Conduct, not only prosecuted, but procured his Conviction and Punishment for that very Action by which he saved the *British* Fleet, viz. by steering according to the 19th Article of the Fighting-Instructions with the Van of the Enemy,

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in Order to prevent them from doubling. Certainly Mr. L. had more Love for his Country, than to owe him a Grudge for that Service he did his Country, that Disappointment which he brought upon the common Enemy of *Europe*. Nor could it have been done with a View to take off this Evidence against himself; for, surely, that would not have been encouraged, or permitted: But, fruitless as any Thing I can say of his Occasion will be, I have done with one and the other Sentence: However, since I am on the Subject of Courts of Justice, in Order to keep alive that Spirit, which I hope, as long as Time will subsist in this Country, I beg Leave to say a Word or two on Courts of Justice in general, as they are the Bulwarks, and last Fences of a People's Freedom, and claim their strictest Attention. For, in the most arbitrary Governments Justice generally is equally administered; but the Advantage of a limited Government is only this, that particular Persons are not liable to Oppression, and can demand the Protection not of this, or that Minister, but of the Law; for, who knows to whose Lot it may fall to groan under Oppression? In this Country 'tis our particular Privilege, that no Man can be punish'd, without being tried by Persons duly sworn: But I think there is still a greater Security, which is a strong Attachment to Justice, natural in a free People, not used or habituated to Acts of Injustice; for, if the Horror of doing a bad Action will not bind, how shall an Oath bind? And if ever a Ministry shall be aspiring, and wicked enough to attempt an Influence over a Court of Justice, to form and mould it to its own Schemes; and a Court of Justice shall be contemptible, and wicked enough to submit to such Meanness, the Liberty of that Country, wherever it shall happen, is already

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gone;

gone ; for it is the Spirit of the Subject alone which can maintain the Liberty of the Subject. A Minister of a just Prince making an Attack on the Liberty of the Subject, is a common Enemy, a two-edged Sword, wounding at the same Time both the Sovereign and Subject ; as every Attack on the Subject's Liberty tends to lessen the Affection of the Subject ; consequently, an Opposition to any such Attack, is a Service done both to King and Subject. Looking on Mr. M's and Mr. L's Dispute as a private Affair between Man and Man, I heartily despise it, unacquainted as I am with either Party, but looking on the Subject-Matter of it as a publick Affair, I think an Affair of greater Consequence to the State never came before the Publick ; and if its Causes are not strictly, impartially, and effectually enquired into, the Precedent will authorise Abuse, fundamentally overturn all Discipline, and entail Ruin and Destruction on us and Posterity. And, as on that Occasion, my Country received from those who ought to have been vigorous in assisting her, a deep and shocking Wound not only in her Honour and Glory, but her Interest ; I have had nothing in View but her Cause, in which, if I can be of any Service, I will with Pleasure employ the little Time, which private Avocations will allow.

Article of War XI.

Every Captain, Commander, and other Officer ; Seaman, or Soldier, of any Ship, Frigate, or Vessel of War, shall duly observe the Commands of the Admiral, or other his Superior or Commander of any Squadron, as well for Assaulting or Setting upon any Fleet, Squadron, or Ship of the Enemy, Pirate, or Rebels, or joining Battle with them, or making Defence against them, as all other the Commands

mands of the Admiral, or other his Superior Commander, upon Pain to suffer Death, or other Punishment as the Quality of his Neglect or Offence shall deserve.

Q. 1. When the A—l makes a Signal for bringing to, and lying by, if that Signal doth not Regard the Place as well as Time ?

Q. 2. When the Weather is clear (as the C. M. affirm that Night was) and fit for Sailing ; if the Place is not the principal Thing intended, and the Time an accidental Circumstance, and a necessary Concomitant, to which the Signal can have no Respect ?

Q. 3. If the Place is the principal Thing to which the Signal has Respect, why the Place, or principal Design, ought not to be preserved ; Whether the Preservation of the Place, or lying by as near as possible in the Place, is not literally within the Instructions ?

Q. 4. If the Command of the A—l to bring to, and lie by, is duly observed, when the usual Discipline of the Navy is neglected, the constant Practice of giving Orders to preserve the Station disregarded, and a Distance suffered to increase without the least Endeavour to oppose it ?

Choosing to avoid all personal Reflexions, I will not ask some Questions concerning the composing certain C—t—M—ls, which I hope will be asked in another Place some Time or other, with more Authority than I can ask.

I will add Nothing more than a short History of *Aristides* and *Themistocles* who followed different Parties in the State, and bore a Hatred to each other contracted from their Childhood. But on a War with *Persia*, they went together out of the City, and joining Hands over an Opening made in the

the Earth, vowed to lay aside all Enmity during the War, and co-operate with perfect Harmony in Conducting the publick Affairs to the best Advantage for the State. The Observation made by an ancient Author on that Occasion was, that the Concord and Union of the two Generals was the principal Cause of the Success obtained by their Country over the *Persian*. But what Observation shall I make on our Affairs? Or to what Purpose is it for me to observe? Let me rather ask what Observation has been made by those, whose Province, whose Duty it was to observe on them, and execute the Justice due to an injured Nation.

F I N I S.



N. B. *The first Plan is a Copy of Mr. L—k's.*

Exp. B. F. W.

